IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 25TH JUNE 2007 / 4TH ASHADHA 1929

CRL.A.No. 456 of 1999()

CC.75/1998 of CHIEF JUDICIAL MAGISTRATE COURT, PATHANAMTHITTA

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APPELLANT: COMPLAINANT

JAYAN ROY THOMAS
CHAMAKALA PUTHENPARAMBIL
MYLAPRA TOWN P.O., REPRESENTED BY
HIS POWER OF ATTORNEY HOLDER, C.T.GEORGE
CHAMAKALA PUTHENPARAMBIL
MYLAPRA TOWN P.O.
PATHANAMTHITTA.

BY ADV. SRI.BECHU KURIAN THOMAS

RESPONDENTS: ACCUSED

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1. SURESH
   S/O.RAVINDRAN
   VELUTHEDATHUPARAMBIL
   NADUVILEMURIYIL
   THALAVADI.P.O.
   ALAPPUZHA DISTRICT.

2. STATE OF KREALA REPRESENTED BY
   PUBLIC PROSECUTOR
   HIGH COURT OF KERALA
   ERNAKULAM

BY PUBLIC PROSECUTOR SRI.

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 25/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.R.UDAYABHANU, J

Crl.A.No.456 of 1999

Dated this the 25th day of June, 2007

JUDGMENT

The appellant is the complainant who had initiated proceedings under Section 138 of the Negotiable Instruments Act. The accused stands acquitted under Section 256(1) of Crl.P.C. as the complainant was absent.

2. It is submitted that the lapse was on account of the wrong noting of the posting date. In the circumstances, the order of the court below is set aside. The court below is directed to permit the appellant to further proceed with the matter and dispose of the case on merits. The court below shall issue fresh summons to the accused. The appellant shall appear before the court below on 30.7.2007.

The appeal is allowed.

K.R.UDAYABHANU,
JUDGE

csl